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TOWNSEND and TOWNSEND and CREW LLP

By: Myra Deen

**AMENDMENT UNDER 37 CFR 1.116
EXPEDITED PROCEDURE –
EXAMINING GROUP 3739**

PATENT
Attorney Docket No.: 022122-000410US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

BRIAN N. PIERCE

Application No.: 10/789,948

Filed: February 26, 2004

For: DISINFECTION, DESTRUCTION OF
NEOPLASTIC GROWTH, AND STERIL-
IZATION BY DIFFERENTIAL ABSORP-
TION OF ELECTROMAGNETIC ENERGY

Customer No.: 20350

Confirmation No.: 5787

Examiner: Johnson III, Henry M.

Art Unit: 3739

*Nothing to
enter 8/18/06*
**REQUEST FOR
RECONSIDERATION
UNDER 37 CFR 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 3739**

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Sir:

The following is submitted in response to the Office Action mailed July 18, 2006.

Reconsideration of the application is respectfully requested.

The rejection of claims 1-8 as either anticipated or obvious over Nordquist et al. US 6,149,671, is again respectfully traversed.

The holding in the Office Action that “the only positively cited step of the independent claim is irradiating a portion of a living organism” is an incomplete reading of the claim and a mischaracterization of the invention. As previously explained by Applicant, claim 1 of the present application explicitly recites irradiation of an organism with radiation at a